

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**EBER SALGADO, et al.,
Plaintiffs,**

v.

Case No. 13-C-1117

**OVER THE TOP ROOFING &
CONSTRUCTION, INC., et al.,
Defendants.**

ORDER

On April 17, 2014, the defendants filed a motion to compel plaintiff Miguel Resendiz to file signed responses to their written interrogatories. Plaintiff's counsel, in her response to the motion, states that the delay in serving signed responses is due to the fact that the plaintiff is in Mexico and has unstable means of communication. Plaintiff's counsel has provided the defendants with unsigned responses that the plaintiff has orally confirmed over the telephone pending receipt of the signed responses. Plaintiff's counsel requests that the court grant the plaintiff 60 to 90 days to submit signed responses. I may grant this request under Federal Rule of Civil Procedure 33(b)(2).

I conclude that the plaintiff's difficulty communicating is a sufficient reason for granting him an extension of time to serve his signed interrogatory responses. Moreover, the defendants have not identified any concrete prejudice that they might suffer as a result of the delay. And it is hard for me to see any prejudice, especially since plaintiff's counsel has provided unsigned responses that the plaintiff has orally verified. Accordingly, I will grant the plaintiff 60 days to file signed responses. However, if the plaintiff is unable to

provide signed responses within that time, then I might have to consider dismissing the plaintiff's claim due to his inability to prosecute it.

For the reasons stated, **IT IS ORDERED** that the defendants' motion to compel is **GRANTED** to the extent that the plaintiff must provide signed interrogatory responses to the defendants within 60 days of the date of this order. The plaintiff is advised that if he fails to provide signed responses within that time his claim may be dismissed.

Dated at Milwaukee, Wisconsin, this 30th day of April, 2014.

s/ Lynn Adelman

LYNN ADELMAN
District Judge